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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,112	04/27/2001	Kiichi Ihara	450100-03184	1001
20999	7590	09/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			DIEP, NHON THANH	
		ART UNIT	PAPER NUMBER	
		2613		

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,112	IHARA, KIICHI	
	Examiner	Art Unit	
	Nhon T. Diep	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-28 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 April 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____ .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/28/2005 have been fully considered but they are not persuasive.

With regard to the applicant/s argument that Radha fails to teaches or suggest that PCR information, PTS information and DTS information are extracted from the output stream and controlling the stream output means, as a function of the PCR information, PTS information and DTS information extracted from the output stream, as recited in claim 1 (page 15, ln. 15-20). The examiner respectfully disagrees and is happy to indicate portions of the reference providing the basis for a contrary view as follows:

Radha et al, in column 2, ln. 25-59, teaches that MPEG-2 streams are organized hierarchically, wherein the header of each elementary stream contain a decoded timestamp (DTS) and a presentation timestamp (PTS) which specifies when the decoded information for the following elementary stream is presented and further more, there are several auxiliary stream for each program and that one of the streams is the program clock reference (PCR) which contains samples of a 27 MHz clock used by the video and audio encoders and decoders. Radha et al further teaches that "Assuming program clock reference (PCR) continuity, the decoding time of the first video access unit (picture) after splicing MUST take place at exactly the same decoding time (time relative to PCR, to start coding) of an access unit of the old stream as if splicing did not occur and a formula, which will help to achieve seamless splicing based on DTS of the

first and the second access units and the time needed to display the last video access units." (col. 9, ln. 49-63) and Radha et al also teaches the definitions of splice-in points and splice out points can be implemented either as constraints on the bit stream (and therefore these points must be marked by the encoder using the appropriate flags or they can be implemented by a switching device (splicer). In the latter case, the splicer can determine which audio frames to transmit and drop from the old and new streams. This assumes, however, that the splicer has access to the PTS values on both streams. If these value, which are embedded in the packetized elementary stream header, are not accessible by the splicer due to scrambling, the can be made available using the DTS next access unit field. (col. 12, ln. 66 – col. 13, ln. 13).

It is respectfully submitted that after splicing, a plurality of streams becomes a single output stream and the facts Radha et al teaches "Assuming program clock reference (**PCR**) continuity, the decoding time of the first video access unit (picture) after splicing **MUST** take place at exactly the **same decoding time (time relative to PCR, to start coding)** of an access unit of the old stream as if splicing did not occur and **a formula** (controlling), which will help to achieve seamless splicing based on DTS of the first and the second access units and the time needed to display the last video access units." and "This assumes, however, that the splicer has access to the PTS values on both streams. If these value, which are embedded in the packetized elementary stream header, are not accessible by the splicer due to scrambling, the can be made available using the DTS next access unit field" underscore the examiner' points that Radha et al does teach or suggest that PCR information, PTS information

and DTS information are extracted from the output stream and controlling the stream output means, as a function of the PCR information, PTS information and DTS information extracted from the output stream. The examiner therefore maintain all of his rejections as set forth in the previous Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radha et al (US 6,806,909) as set forth in the previous Office Action..

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
9/16/2005



**NHON DIEP
PRIMARY EXAMINER**